IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4606 OF 2005

The State of Maharashtra ...Applicant

vs.

Kanta B.Ghadi and others ...Respondents

Mr.U.V.Nikam,A.P.P. for the Applicant
Mr.S.P.Thorat, for Respondent Nos.1 to 11.

CORAM: A.S.OKA,J.
DATE : AUGUST 18, 2006.

P.C.:

1. Heard learned A.P.P. for the Applicant and Shri Thorat for the Respondents. This application is for grant of leave to prefer an Appeal against acquittal. The learned Judicial Magistrate (First Class) has acquitted the Respondents-accused of offence punishable under sections 143, 147, 149, 447 and 504 of the Indian Penal Code.

2. The allegation of the prosecution is that agricultural lands bearing Gat Nos.754-A is owned by one Rajaram Shambhu Mirashi, Gat No.754-B is owned by Shailendra Patil and Gat No.754-C is owned by Sneha Patil. The allegation is that the said Shailendra Patil and Sneha Patil executed a power of attorney in favour of one Sandip Mirashi and the said Sandip along with his brother and relative Mahesh Chandavankar are looking after the said lands. There is a civil suit pending which is filed by Babi Ghadi, Tavu Ghadi, Prakash Ghadi and Vijay Ghadi against the said Shailendra Patil and Sneha Patil. It is alleged, that an order of status quo was issued by the Civil Court. The allegation of the prosecution is that the power of attorney holder Sandip Mirashi learnt that members of

Ghadi family were to perform a ceremony of 'Desrudh' on 24th August 2003 on the aforesaid lands. Accordingly, a complaint was made by the said Sandip with the local police station. According to the case of the prosecution, on 24th August 2003 at 4.00 p.m. a mob consisting of members of Ghadi family came on land bearing Gat No.754-B and 754-C. According to the prosecution, the Respondent No.1-accused was holding a 'Paradi' which was to be used for performing a religious ceremony. According to the case of the prosecution the Respondents-accused persons performed the ceremony on the said land.

3. After appreciating the oral and documentary evidence on record, the learned Trial Judge held that none of the charges are established against the Respondents. The learned Judge held that even the certified copies of 7/12 extracts of the lands in question were not produced by the prosecution and only xerox copies of the 7/12 extracts were produced. The learned Judge has noted that there appears to be a civil dispute pending between the parties in the form of civil suit. Some of the members of the Ghadi family have filed the civil suit in which an order of status quo was passed. After having perused the impugned Judgment and having heard the learned A.P.P. for Applicant, I find there is no perversity in the view taken by the learned Magistrate. The view taken by him is a possible view on the basis of the material on record. No case is made out for grant of leave. Application is rejected.

JUDGE